

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTUANE MARVELL BACON,

Defendant.

CR 14-14-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on November 26, 2014. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

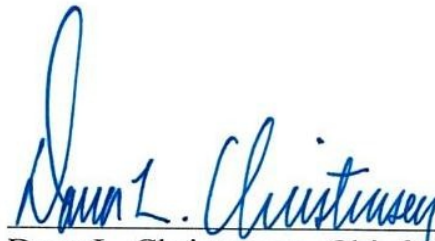
Judge Lynch recommended this Court accept Antuane Marvell Bacon’s guilty plea after Bacon appeared before him pursuant to Federal Rule of Criminal

Procedure 11, and entered a plea of guilty to one count of conspiring to distribute heroin in violation of 21 U.S.C. §§ 841(a)(1) and 846, as set forth in Count I of the Indictment. In exchange for Defendant's plea, the United States agrees to move to dismiss Counts II through V of the Indictment no later than 21 days after the issuance of a written judgment if the Court accepts the Plea Agreement and the Defendant complies with Paragraph 8 of the Plea Agreement.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 26), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Antuane Marvell Bacon's motion to change plea (Doc. 17) is GRANTED and Antuane Marvell Bacon is adjudged guilty as charged in Count I of the Indictment.

DATED this 16th day of December, 2014.



Dana L. Christensen, Chief District Judge
United States District Court